IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

WP(C).No. 21412 of 2006(Y)

PETITIONER:

P.ABDURAHIMAN,
UNIVERSITY ENGINEER (RETIRED),
UNIVERSITY OF CALICUT, NOW RESIDING AT 'SAFNA',
CHULLIPARAMBA, P.O.VENGARA,
MALAPPURAM.

BY ADV. SRI.V.RAJENDRAN

RESPONDENTS:
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1. THE UNIVERSITY OF CALICUT,
REP. BY ITS REGISTRAR,
CALICUT UNIVERSITY CAMPUS,
THENHIPALAM, MALAPPURAM.

2. THE FINANCE OFFICER,
UNIVERSITY OF CALICUT,
CALICUT UNIVERSITY CAMPUS,
THENHIPALAM, MALAPPURAM.

3. THE SYNDICATE OF THE CALICUT UNIVERSITY,
REP. BY THE VICE CHANCELLOR,
CALICUT UNIVERSITY CAMPUS,
THENHIPALAM, MALAPPURAM.

BY ADV. SRI.S.GOPAKUMARAN NAIR, SC, CALICUT UTY
SRI.E.S.ASHRAF, SC, CALICUT UNIVERSITY
ASOK M.CHERIAN,SC,CALICUT UNIERSITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

W.P.(C).No.21412 OF 2006

Dated this the 2nd day of March, 2007

JUDGMENT

Case of the petitioner is that he is entitled to pension reckoning his service in the Kerala Land Development Corporation also. Petitioner has 7 years service in the University. Prior to his joining in the University, he has 23 years service in the Kerala Land Development Corporation. By Ext.P3 order petitioner was directed to remit an amount of Rs.4,36,363/- towards pension contribution. Petitioner remitted the amount as evident from Exts.P4 and P5. Thereupon Ext.P6 order dated 21-01-2006 was passed, as per which sanction has been accorded by the Vice-Chancellor for reckoning the past service rendered by the petitioner in K.L.D.C. for the period from 30-07-1975 to 30-03-1999 for pensionary benefits. The decision was not implemented. Petitioner filed Ext.P7 representation. After the

filing the writ petition, petitioner amended the writ petition challenging Ext.P8. Ext.P8 is an order of the Deputy Registrar based on the order of the Vice Chancellor sanctioning an amount of Rs. 765/- as Exgratia pension and also ordering refund of the amount paid by the petitioner. The objection of the Deputy Director of Local Fund Audit and legal advice was relied on by the Vice-Chancellor. Even though there is reference to Ext.P6 in the body of Ext.P8 order, it is not read as such. Petitioner would contend that Ext.P6 was based on the decision of the Syndicate and there is non-application of mind. Further it is not in dispute that petitioner was not heard when Ext.P8 was passed.

I would think that a decision should be taken in the matter by the Syndicate . Accordingly, the writ petition is allowed and Ext.P8 is quashed so that a decision can be taken by the Syndicate in accordance with law. There will be a direction to the University to consider and take a decision in the matter after taking note of the written submission, which learned counsel for the petitioner

submits that, will be submitted within two weeks from today. A decision in accordance with law as aforesaid will be taken within a period of six weeks from the date of receipt of a copy of this judgment.

K.M.JOSEPH
JUDGE

sv.